

ADMINISTRATIVE RULES COMMITTEEJUNE 6, 2013, 10:25amRough Rider Room, State CapitolBismarck, ND

Good morning, Chairman Koppleman and Other Members of the Administrative Rules Committee:

My name is James Schmidt. I am here representing the N.D. State Electrical Board in the adoption of our administrative rule of Article 24-02. The Board's function is to license people to assure that they are qualified to do electrical work, as well as to provide an inspection process to assure that the buildings wiring meets the minimum standards of the electrical codes.

1-2. This rule was not a result of changes made by the Legislative Assembly or any Federal regulation or statute.

3. When proposing changes in our administrative rules, we use the same procedures as the National Electrical Code uses, which is a consensus of all parties. Generally we ask for proposals to the administrative rules through our quarterly newsletters that go out to all licensed electricians and other interested parties such as power companies, associations and engineers. This is also covered at our annual 8-hour continuing education seminars that we provide to the licensees each year throughout North Dakota. After advertising in all North Dakota County Newspapers, a public hearing on this proposal was held on July 19, 2012.

4. There were four oral testimonies and two written comments on this proposal received.

Brad Steier commented (oral) and testified for and against this proposal. Mr. Steier did not disagree with the proposal, however, he indicated that its language should have further clarification, such as when full-time is indicated, it may imply barring a master or the owner of the company as far as how much time he spends at that shop or how much time he does not.

John MacLennan commented (oral and written). Mr. MacLennan's main concern was what the State Electrical Board was trying to achieve by adding this language to the administrative rule.

Tom McCabe commented (oral) and testified on the same level as Brad Steier. Mr. McCabe's concern was the full-time language and not being able to let his journeyman handle the job while he is on vacation.

Jason Yoder commented (oral) and testified that his concerns were having two jobs, which involved being a Master of Record and his own part-time self-employed business.

Lynn Strombeck commented (written) that he is against the proposal adding the full-time wording.

The Board's intent is to add language to define the role of a master or class B electrician as well as ensure that the master or class B electrician are not issuing wiring certificates while having no oversight on the job. It is not meant to prohibit a master or class B electrician from going on vacation or having another job, or constantly being present on the job site, it is meant to make the master or class B electrician fully-engaged in the operation of the shop or business and know what is going on under his/her master or class B license.

5. The advertising cost for proposed rule changes was \$1,648.90, which was placed in all county newspapers. Regulatory analysis and economic impact statements were not required or prepared.

6. It came to the Board's attention that the Board needs to prohibit contracting master electricians from basically renting out their licenses for whatever dollar amount or deal they could make to issue a wiring certificate for a project. The NDSEB Office discovered the chaos that is created when a master electrician issues wiring certificates for one electrical firm and then tries leaving that firm with open certificates. So the Board met with a contractor and our attorney came up with new language that would strengthen the tie of the master electrician issuing the wiring certificates to the electrical firm or more clearly engage this person in that business. The wording of the language also gives the Board the diversity to determine whether or not an individual is involved in that business or not.

Here is an example: We had a case where an individual from out of state had a North Dakota non-contracting master license and activated it to contracting status. The individual was involved with this business for less than four months, at which time he didn't want to be the signing master for that particular company anymore. Our office told him that the certificates were his as they follow and are issued to the person not the company. He indicated he was done with this business and that he was not going to do this anymore. Not more than three weeks later same person calls back and starts signing for a new company. And now at this time he's on company number three. The company actually called our office and wanted us to give that master electricians login and password for issuing wiring certificates to another person they had hired. Again, the wiring certificates are issued the licensee, not the company.

The Board just felt it prudent to try get in control of situations like these and it is getting so even our inspectors have a hard time keeping up who is the master electrician for a particular company.

Our office has encountered several master electricians basically renting out their license which the master really doesn't know what is going on in the business. So, the board felt that some sort of language has to be put in place to try to limit what is happening in cases like these.

It is not to say the master electrician can't go to Arizona for four months. The intent would be the same as any other business would operate, to keep the master involved in decisions pertinent to the projects. And the master would be communicating with his workers as any business person would. This person should know what's going on with their projects. And this is not to say that you have to be at your shop 24/7, but it is your business to make sure that you know what is going on.

7-8-9-10. Regulatory analysis, an economic impact statement, a fiscal note or constitutional takings assessment were not required by ND Century Code nor did our office issue any of these.

To summarize, when you are the responsible party doing electrical work, you need to be fully-engaged in that business/work and you need to know what is going on, and that is really the point the NDSEB is trying to make. With the proposed language, we thought it was written in a manner so we could interpret it appropriately for similar but different situations.

I want to thank you for allowing me this opportunity to present our proposed administrative rule change. The Board feels this is an important part of our adoption process. If you have any questions, I will try to answer them now for you.

NORTH DAKOTA STATE ELECTRICAL BOARD

PROPOSED CHANGES TO THE ADMINISTRATIVE RULES OF
THE 2011 NORTH DAKOTA WIRING STANDARDS

Date: June 5, 2012 Name/Company: North Dakota State Electrical Board

Home Phone: (N/A) Work Phone: (701) 328-9522

Street Address: P.O. Box 7335, Bismarck, ND 58507

Please indicate organization represented (if applicable) (N/A)

1. Section/Paragraph: 24-02-01-02(3)

2. Proposal recommends (check one) new text revised text deleted text



3. Proposal (include proposed new wording or identification of wording to be deleted):

3. Master and class B electricians. A master or class B electrician may exercise that person's privileges as a licensed master or class B electrician for no more than one shop or business . . . North Dakota Century Code chapter 43-07. A master or class B electrician must be engaged full time in the operation of the shop or business. A master or class B electrician shall notify . . .

4. Statement of problem and substantiation for proposal:

To help define the role of a master or class B electrician as well as to ensure that master or class B electricians are not issuing wiring certificates while having no oversight on the job.

JAMES SCHMIDT, Executive Director (Signature)